

REMARKS

The above amendments and following remarks are submitted in response to the Official Action of the Examiner mailed April 28, 2003. Having addressed all objections and grounds of rejection, claims 1-20, being all the pending claims, are now deemed in condition for allowance. Reconsideration to that end is respectfully requested.

The Examiner has objected to the specification. The above specification amendments are deemed to fully address this objection.

The Examiner has objected to claims 1-2, 4-8, 10-11, 13, 15-16, and 18-19 under 35 U.S.C. 112, second paragraph as being indefinite. The claims have been amended above in a manner deemed fully responsive to this ground of rejection and the objections attendant thereto.

The Examiner has made a provisional rejection under the judicially created doctrine of obviousness type double patenting. As none of the involved claims are yet allowed, it is deemed advisable that action be postponed on behalf of Applicants. However, upon allowance of the claims over the other pending

objections and grounds of rejection, Applicants will take appropriate action with regard to a Terminal Disclaimer or other adequate response.

The Examiner has rejected claims 1-4, 6-9, 11-14, and 16-18 under 35 U.S.C. 102(e) as being anticipated by U.S. Patent No. 6,502,092, issued to Ensor (hereinafter referred to as "Ensor"). This ground of rejection is respectfully traversed for the reasons provided below.

"It is axiomatic that for prior art to anticipate under §102 it has to meet every element of the claimed invention, and that such a determination is one of fact." *Hybritech Inc. v. Monoclonal Antibodies, Inc.*, 802 F.2d 1367, 231 USPQ 81, 90 (Fed. Cir. 1986). The rejection is respectfully traversed because Ensor does not meet every element of the invention claimed in claims 1-4, 6-9, 11-14, and 16-18 and because the Examiner has based her rejection upon clearly erroneous findings of fact.

Specifically, in rejecting claim 1, the Examiner states in footnote 1:

Please note that "data wizard" as (sic) defined in the specification as a web based interface. Therefore, the user interface in the prior art reads on this limitation.

It is important to observe that the Examiner has not cited any portion of Applicants' specification in support of this clearly

erroneous finding of fact. That is because Applicants have not so defined "data wizard".

The specification actually says that the "data wizard" provides a web interface. The "data wizard" has many more functions and attributes, of course, which are disclosed throughout the specification and drawings. For example, the specification states at page 11, lines 19-22, that the Data Wizard:

.....allows a developer to create a web based service that joins tables from MAPPER Reports, MAPPER runs, databases that are ODBC compliant, and many RDMS, and MAPPER.....

This functionality is not true of any "web interface". Thus, it is very apparent that the Examiner has clearly erroneously defined the term "data wizard" too broadly in support of her claim rejections.

Notwithstanding the misapplication of Ensor to Applicants' claimed invention, herewith enclosed is a declaration under 37 C.F.R. 1.131 which establishes Applicants' claimed invention to be earlier than August 1, 2000, the effective date of the Ensor reference. Applicants' invention was incorporated within the commercial product of Unisys Corporation called Cool ICE, Revision 2.1, as of April 2000.



Having thus responded to each objection and ground of rejection, Applicants respectfully request entry of this amendment and allowance of claims 1-20, being the only pending claims.

Respectfully submitted,

Thomas N. Turba et al

By their attorney,

Date July 28, 2003

Wayne A. Sivertson
Reg. No. 25,645
Suite 401
Broadway Place East
3433 Broadway Street N.E.
Minneapolis, Minnesota
55413
(612) 331-1464